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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,325	08/29/2003	William Joseph Butsch	9350	1633

27752 7590 07/27/2005

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EXAMINER

DEXTER, CLARK F

ART UNIT PAPER NUMBER

3724

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/652,325

Applicant(s)

BUTSCH ET AL

Examiner

Clark F. Dexter

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-24 is/are pending in the application.
- 4a) Of the above claim(s) 9-19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-5,7,8 and 20-24 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

QUAYLE ACTION

1. The amendment filed on May 9, 2005 has been entered.

Election/Restrictions

2. Applicant's confirmation of the election with traverse of Group I (claims 1-8) in the reply filed on May 9, 2005 is acknowledged. The traversal is on the ground(s) that (1) the inventions are not independent or distinct, and (2) there is no serious burden on the Examiner. This is not found persuasive for the following reasons:

Regarding (1), the inventions are directed to an apparatus and the process for its use, and are considered to be independent or distinct if the apparatus can be used to perform another process, or the process can be performed by a different apparatus. In the present application, the apparatus does not require the specific steps of the process; for example, the apparatus does not require the specific operation including rotating the bedroll at a first blade pass frequency, and rotating the chop off roll at a second blade pass frequency which is distinct from the first blade pass frequency. While it is acknowledged that the apparatus must be capable of such an operation, there is no requirement that the apparatus be operated in such a manner. Thus, for at least this reason, it is respectfully submitted that the inventions are distinct.

Regarding (2), there is a serious burden on the Examiner to examine two distinct inventions. Such distinct inventions require separate consideration with respect to patentable subject matter as well as a separate consideration regarding the field of

search. Therefore, it is respectfully submitted that there is a serious burden on the Examiner to examine both inventions.

Claims 9-19 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention.

It is noted that to place the application in condition for allowance, the withdrawn claims must be canceled.

For at least the above reasons, the requirement is still deemed proper and is therefore made FINAL.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the (at least) three blades disposed generally transverse to the direction of travel as set forth in claims 3 and 20, the bedroll blade spacing as set forth in claim 4, and the plurality of web pin pads disposed along a line generally transverse to the direction of travel as set forth in claims 8 and 24 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

If drawing changes are considered to be necessary, corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

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should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 1, 3-5, 7, 8 and 20-24 are objected to because of the following reasons:

In claim 1, line 7, it is requested that --non-cutting-- be inserted before "bedroll" for clarity; in line 8, it is requested that --to grip the web material-- be inserted after "edge" for clarity; in line 15, it is requested that --non-cutting-- be inserted before the second occurrence of "chop off" for clarity.

In claim 20, line 7, it is requested that --non-cutting-- be inserted before "bedroll" for clarity; in line 9, "at least one bedroll blade" is not consistent with the previous recitation of the bedroll blades, and it should be changed to --bedroll blades--; in line 14, it is requested that --non-cutting-- be inserted before the second occurrence of "chop off" for clarity.

In claim 22, line 2, it is requested that --to grip the web material-- be inserted after "edge" for clarity.

Appropriate correction is required.

Allowable Subject Matter

5. Claims 1, 3-5, 7, 8 and 20-24 are allowable over the prior art of record.

Remarks

6. Regarding applicant's arguments regarding the drawing objections under 37 CFR 1.83, the Examiner respectfully submits that applicant's arguments are not understood. The Examiner's position is not there is insufficient support for the claimed subject matter. Rather, the Examiner's position is that the claimed subject matter is not shown. For example, it is clear that the drawings show "at least one bedroll blade." This is shown in Figures 1-3. However, none of the figures show 3 bedroll blades. Similarly, the claimed spacing does not appear to be shown, and the plurality of web pads as claimed does not appear to be shown. Applicant is welcome to contact the Examiner with any questions.

Conclusion


7. This application is in condition for allowance except for the formal matters described above. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
July 25, 2005